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# HOUSE BILL No. 1761

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2-58.5; IC 31-33; IC 31-34.

**Synopsis:** Child abuse reporting. Provides that child protective services (CPS) shall conduct in-home visits at least once every 30 days to ensure compliance with a: (1) voluntary services referral agreement; or (2) program of informal adjustment. Provides that a CPS report compiled following an investigation of child abuse or neglect may conclude that abuse or neglect is indicated. (Current law allows only substantiated and unsubstantiated findings.) Provides that a child is a child in need of services if the child's physical or mental condition is impaired or endangered. (Current law provides that a child is a child in need of services if the child's physical or mental condition is seriously impaired or seriously endangered.)

**Effective:** July 1, 2003.

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January 21, 2003, read first time and referred to Committee on Human Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1761

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-9-2-58.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2003]: **Sec. 58.5. "Indicated", for purposes of IC 31-33-8-12,**  
4 **means facts obtained during an investigation of suspected child**  
5 **abuse or neglect that:**

6       **(1) provide:**

7           **(A) significant indications that a child may be at risk for**  
8           **abuse or neglect; or**

9           **(B) evidence that abuse or neglect previously occurred;**  
10          **and**

11       **(2) cannot be classified as substantiated or unsubstantiated.**

12       SECTION 2. IC 31-33-5-1 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. In addition to any  
14 other duty to report arising under this article, an individual who has  
15 reason to believe that a child is a victim of child abuse or neglect (**as**  
16 **defined in IC 31-9-2-133**) shall make a report as required by this  
17 article.



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1 SECTION 3. IC 31-33-8-12 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Upon completion  
 3 of an investigation, the local child protection service shall classify  
 4 reports as substantiated, **indicated**, or unsubstantiated.

5 SECTION 4. IC 31-33-13-2 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A person who is  
 7 accused of child abuse or neglect may enter into a voluntary services  
 8 referral agreement with the local child protection service under this  
 9 chapter. Under the terms of the agreement, the person shall  
 10 successfully participate in and complete any family or rehabilitative  
 11 services recommended by the local child protection service.

12 **(b) The local child protection service shall conduct or arrange**  
 13 **for in-home visits at least once every thirty (30) days for the**  
 14 **duration of the voluntary services referral agreement to ensure**  
 15 **compliance with the terms of the agreement.**

16 SECTION 5. IC 31-34-1-1 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A child is a child in  
 18 need of services if before the child becomes eighteen (18) years of age:

19 (1) the child's physical or mental condition is ~~seriously~~  
 20 or ~~seriously~~ endangered as a result of the inability, refusal, or  
 21 neglect of the child's parent, guardian, or custodian to supply the  
 22 child with necessary food, clothing, shelter, medical care,  
 23 education, or supervision; and

24 (2) the child needs care, treatment, or rehabilitation that the child:  
 25 (A) is not receiving; and  
 26 (B) is unlikely to be provided or accepted without the coercive  
 27 intervention of the court.

28 SECTION 6. IC 31-34-1-2, AS AMENDED BY P.L.17-2001,  
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2003]: Sec. 2. (a) A child is a child in need of services if  
 31 before the child becomes eighteen (18) years of age:

32 (1) the child's physical or mental health is ~~seriously~~  
 33 due to injury by the act or omission of the child's parent, guardian,  
 34 or custodian; and

35 (2) the child needs care, treatment, or rehabilitation that the child:  
 36 (A) is not receiving; and  
 37 (B) is unlikely to be provided or accepted without the coercive  
 38 intervention of the court.

39 (b) Evidence that the illegal manufacture of a drug or controlled  
 40 substance is occurring on property where a child resides creates a  
 41 rebuttable presumption that the child's physical or mental health is  
 42 seriously endangered.

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SECTION 7. IC 31-34-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) If a law enforcement officer's action under section 2 of this chapter will not adequately protect the safety of the child, the child may be taken into custody by a law enforcement officer, probation officer, or caseworker acting with probable cause to believe the child is a child in need of services if:

(1) it appears that the child's physical or mental condition will be ~~seriously~~ impaired or ~~seriously~~ endangered if the child is not immediately taken into custody;

(2) there is not a reasonable opportunity to obtain an order of the court; and

(3) consideration for the safety of the child precludes the immediate use of family services to prevent removal of the child.

(b) A probation officer or caseworker may take a child into custody only if the circumstances make it impracticable to obtain assistance from a law enforcement officer.

(c) If a person takes a child into custody under this section, the person shall make written documentation not more than twenty-four (24) hours after the child is taken into custody as provided in section 6 of this chapter.

SECTION 8. IC 31-34-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) A person taking a child into custody under section 3 of this chapter shall make written documentation evidencing the following:

(1) The facts establishing probable cause to believe that the child is a child in need of services.

(2) Why the child's physical or mental condition will be ~~seriously~~ impaired or ~~seriously~~ endangered if the child is not immediately taken into custody.

(3) Why the person is unable to obtain a court order and what steps have been taken to obtain a court order.

(4) Why the local child protection service is unable to protect the safety of the child without taking the child into custody.

(5) Why the person is unable to obtain the assistance of a law enforcement officer if the child is taken into custody by a probation officer or caseworker without the assistance of a law enforcement officer.

(b) The division shall create forms to be used for documentation under this section.

(c) The person taking the child into custody shall immediately forward a copy of the documentation to the local child protection

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1 service to be included in the report required by IC 31-33-7-4.

2 SECTION 9. IC 31-34-8-5 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Whenever the court  
4 approves a program of informal adjustment arising out of a child abuse  
5 or neglect report, the local child protection service shall:

6 (1) transmit the report to the child abuse registry within five (5)  
7 working days as required by IC 31-33-8-13; **and**

8 (2) **conduct or arrange for in-home visits at least once every**  
9 **thirty (30) days for the duration of the program of informal**  
10 **adjustment to ensure compliance with the terms of the**  
11 **program.**

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